
**JUVENILE
GUARDIANSHIP
UNDER THE
JUVENILE CODE****STATE LAW****2008 PA 200 [MCL
712A.19a]**

This act amended the juvenile code to permit the court to appoint a guardian at a permanency planning hearing in lieu of terminating parental rights or returning the child home; requires the court to order the Michigan Department of Health and Human Services (MDHHS) to conduct a criminal record check and central registry clearance within 7 days and a home study within 30 days, if a child is placed in a guardian's or proposed guardian's home; requires the court to review a guardianship for a child annually; and requires the court to terminate or revoke a guardianship if it is found that continuation of the guardianship is not in the child's best interest.

**2008 PA 202 [MCL
712A.19]**

This act amended the Juvenile Code to allow MDHHS to implement concurrent planning. Concurrent planning includes working toward family reunification while at the same time establishing an alternative permanency plan to place a child for adoption or with a legal guardian, including identifying appropriate in-state or out-of-state options in case the child cannot be returned home safely.

**2008 PA 203 [MCL
712A.19c]**

This act amended the Juvenile Code to permit the court to appoint a guardian for a child who remains in placement following the termination of parental rights, if the court determines that such an appointment is in the best interest of the child. The court may not appoint a guardian for a state ward without the written consent of the Michigan Children's Institute (MCI) superintendent. The procedures for implementing a guardianship for a state ward are the same as those required under MCL 712A.19a, except that consent must be obtained from the MCI superintendent.

**2008 PA 260 [MCL
722.871 *et seq.*]**

This act created the subsidized guardianship assistance act in Michigan, which allows MDHHS only to pay assistance payments to caretakers who are appointed as juvenile guardians of foster children.

**2009 PA 15 [MCL
722.871 *et seq.*]**

This act amended the Guardianship Assistance Act, MCL 722.871 *et seq.* to define the eligibility requirements for Michigan to utilize federal reimbursements for title IV-E eligible children.

**2015 PA 227 [MCL
722.871 *et seq.*]**

This act amended the Guardianship Assistance Act, MCL 722.871 *et seq.*, to authorize MDHHS to pay guardianship assistance to a successor guardian, if the successor guardian was appointed due to the death or incapacitation of the preceding guardian, a guardianship assistance agreement was in effect for the child before the appointment of the successor guardian, and other eligibility requirements are met.

FEDERAL LAW**PL 105-89**

The Adoption and Safe Families Act (ASFA) of 1997 amends Part B and Part E of the Social Security Act [42 USC 620-679]. The basic premise of the law is that safety, permanency and child well-being must be the major concerns of child welfare agencies. The act:

- Redefines when reasonable efforts to reunify a family must be made.
- Requires criminal history record checks for prospective foster and adoptive parents.
- Prohibits placement of children with foster or adoptive parents convicted of certain felonies.
- Requires documentation of efforts to place a child in an adoptive or other permanent home.

**PL 109-248 [42
USC 16901 *et seq.*]**

The Adam Walsh Child Protection and Safety Act of 2006, [42 USC 16901 *et seq.*] requires states to have procedures in place to conduct criminal background and central registry checks on prospective foster and adoptive parents regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the state plan.

In addition to the criminal background check procedures specified in the title IV-E state plan, the act requires states to submit fingerprint-based checks of prospective foster and adoptive parents to a national crime information database before the prospective foster/adoptive parent may be finally approved for placement of a child.

PL 110-351

The Fostering Connections to Success and Increasing Adoptions Act of 2008 amended parts B and E of title IV of the Social Security Act [42 USC 601 *et seq.*] to connect and support relative caregivers and improve outcomes for children in foster care. This Act allows states to enter into a guardianship assistance agreement to provide assistance payments to relatives who assume legal guardianship of title IV-E eligible children for whom they have cared as licensed foster parents.

PL 113-183

The Social Security Act [42 USC 673(d)(3)(c)] preserves the eligibility of a child of kinship guardianship assistance payment under certain circumstances when a guardian is replaced with a successor guardian due to death or incapacitation of the preceding guardian.